

MC/19/0907

Date Received: 4 April 2019

Location: Fenn Bell Inn Ratcliffe Highway St Mary Hoo Rochester

Proposal: Extension of the zoo to include the introduction of an overflow car parking site with footpath access to main site, provision of new animal enclosures and construction of a new private access on to Fenn Street. Erection of 5 timber frame detached structures (including a two bedroomed live/work unit). Removal of redundant buildings and containers. Variation of opening hours (including 30 days per annum to be later opening).

Applicant Fenn bell Conservation Project,
Mr Andy Cowell

Agent TPFL Architects
Mr Jack Barber The Studio
Kent Enterprise House
The Links
Herne Bay
CT6 7GQ

Ward: Peninsula Ward

Case Officer: Hannah Gunner

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th July 2019.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 1845-2004, 1845-2005, 1845-2006, 1845-2007 and 1845-2008 received 4 April 2019; 1845-2010 received 15 April 2019; 1845-2003 Rev B received 21 June 2019; 1845-0000 Rev C, 1845-2001 Rev A, 1845-2002 Rev A, 1845-2009 Rev B, 1845-2012 Rev A received 25 June 2019; 1845-2014 received 3 July 2019; and 1845-2013 Rev E received 4 July 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 With the exclusion of the public house building, the site shall only operate between the hours of 10:00 to 18.:00 Mondays to Sunday inclusive of Public Holidays, with a 30 day per annum flexible events allowance of 10:00 to 21:00. The dates of the late opening events shall be recorded as a log by the applicant and the log must be available to the Local Planning Authority for inspection upon request.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 3 No enclosure shall exceed the height limitations as defined by approved drawing number 1845-2014.

Reason: To ensure that the enclosures can be flexible, subject to animal requirements without compromising the wider landscape in accordance with Policies BNE1 and BNE25 of the Nedway Local Plan 2003.

- 4 The steel shipping containers currently located on site shall be removed within 6 months from the date of this planning permission.

Reason: To ensure that the site is not overdeveloped, compliant with Policy BNE1 of the Medway Local Plan 2003

- 5 The keepers lodge accommodation hereby permitted shall only be occupied ancillary to the main functioning of the zoo and only by the main keeper and his/her family. At no point shall this unit be used/occupied as a separate dwelling, not associated with the keeping of the zoo animals.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 Prior to the first use of the field to the south west of the Fenn Bell being used as overflow parking, details of the footpath to be created between the field and Fenn Bell (including materials and kerb details for wheelchair/buggy use) shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of highway safety in accordance with Policy T1 of the Medway Local Plan 2003.

- 7 The visibility splays as shown on drawing number 1845-2013 Rev E shall be created and implemented prior to the first use of the associated access.

Reason: In the interests of highway safety, in accordance with Policy T1 of the Medway Local Plan 2003

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

Extension of the existing zoo to include the introduction of an overflow car parking site with footpath access to main site, provision of new animal enclosures and construction of a new private access on to Fenn Street. Erection of 5 timber frame detached structures (including a two bedroomed live/work unit). Removal of redundant buildings and containers. Variation of opening hours (including 30 days per annum to be later opening).

The Public House has been under the management of the current applicants since 2014, who in 2016 received planning permission for:

Retrospective planning application for the change of use of the Fenn Bell Public House for a mixed use of Use Class A4 pub and Sui Generis Zoo, to include the extension of the car park, the construction of animal cages and ancillary works, together with an education centre and miniature railway.

Since this time the zoo aspect of the business has been growing, altered and as a result there is a need for the applicants to regularise the current uses within the zoo as well as the structures too. It should be noted that the miniature railway no longer exists and the education centre is not in use as proposed.

The current application not only will regularise the current position on site but will also allow some flexibility in relation to the enclosures moving/altering over time, subject to need.

Alongside the zoo aspects of the application, the applicants also wish to introduce an overflow parking area, located to the south west of the site, approximately 90m from the pub itself. The proposal would also see the current grassed bank at the side of the road being used as a footpath for the pedestrians to link the parking to the site safely.

The additional timber frame units are to include a vet room, conservation room, staff office/kitchen, sheltered visitor seating area and keepers lodge. Each of these units are timber clad as well as framed and will appear as log cabin type structures. The buildings proposed are generally to replace existing structures that can be found on site which are not 'ideal'. Currently the vet room, conservation room and staff areas are within steel container type structures which are not ideal as not only are they not best equipped for their requirements but they also have no aesthetic appeal and do not compliment the overall look of the business. The buildings that are to be 'additional' are the keepers lodge and the visitor seating.

The final aspect of the proposal is a variation to the hours of operation. The original planning permission has hours proposed within the application submission, which were adhered to and conditioned to restrict the operation growing without due consideration to impact and amenity of the surrounding area. Now that the business is established and growing in popularity the applicants wish to re-address the opening hours to ensure that the most can be made from Bank Holidays and 'Holiday Seasons' (Easter, Halloween, Christmas).

Relevant Planning History

MC/16/0765 Retrospective planning application for the change of use of the Fenn Bell Public House for a mixed use of Use Class A4 pub and Sui Generis Zoo, to include the extension of the car park, the construction of animal cages and ancillary works, together with an education centre and miniature railway
Decision: Approval with conditions
Date: 27 May, 2016

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Biodiversity, Environment Agency and St Mary Hoo Parish Council have also been consulted.

58 letters have been received, 54 of which are in support of the Fenn Bell, commenting on the fact that it is an asset to the area as it is a great visitor attraction to the Peninsula and the wider Medway.

3 letters of objection have been received from neighbouring residents and 1 neutral letter. The letters raise the following objections/issues:

- The extension into the woodland to the north is of concern – loss of valuable woodland
- Would not want floodlighting to impact the houses opposite the woodland – lights should face into the site
- Later opening times would mean music being played at very late hours
- Do not want any parking to be allowed in Fenn Street
- A new access in the woodland would cause noise and disturbance to the residents opposite Fenn Wood
- This is a pub not a zoo
- These proposals are for increased footfall and income
- It has no value to local people
- Supporters bring their children to the pub for entertainment
- Road can be very dangerous
- Parking extension will force people to walk on highway
- Animal noises are already loud enough – do not need more noise added to it
- Woodland at the rear is protected Ancient Woodland

Hoo Parish Council have also commented to say that they are not objecting, subject to the footpath being put in place and the number of floodlights being restricted.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Background

As already stated, the applicant has had planning permission for the zoo to be at the Fenn Bell since 2016. Since this time there have been a number of changes to the business as it has grown. Alterations have been made along the way to the layout and the way in which the public travel round the site evolving with the changes to the variety of animals that have been introduced to the site.

The original miniature railway that was in place was owned and managed by a separate business and this has now been removed from site. As a result a quadbike and trailer is now in place as a way to show visitors around the site and listen to the information about the animals, given by the driver.

The current opening hour's restrictions for the zoo are:

The zoo and the 7 1/4" gauge railway, as shown on plan no. 485-01D dated 12/2/2016, shall only operate between the hours of 12:00 - 16:00 (October - March) and 12:00 - 18:00 (April - September) Wednesdays to Sundays inclusive.

Reason: To regulate and control the permitted development in the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

These hours were as requested by the applicant, again however since the evolution and growth of the business it has become apparent that this needs revision.

Principle

The Fenn Bell Public House is located within the countryside and sits directly adjacent to the North Kent Marshes Special Landscape Area. The Public House sits within a small cluster of industrial buildings which includes factory and office buildings as well as having a substantial amount of hardstanding/parking areas. The industrial units vary in the types on site and include road haulage companies, a plant and machine hire company, windscreen services and a food processing equipment and supplies company.

As with the previous application, planning policy is taken account of below. The main difference between the previous application and this is the update to the NPPF with 2019 the most recent version.

Given the location of the application site, it is considered that Policy BNE25 of the Local Plan is most relevant along with the principles as set out within the NPPF. There are no specific planning policies that relate to the operating of a zoo facility. It is noted that Public Houses are considered 'assets of community value', encouraging opportunities for commercial viability enhancement to be positively considered.

The NPPF confirms that the government is committed to ensuring that the planning system does everything it can to support sustainable economic, social and environmental objectives (paragraph 8). It also confirms the need to support economic growth in rural areas in order to promote a strong rural economy, including by the support of the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings (paragraph 83). The NPPF also includes the need to recognise the creation of high quality buildings and places, which is a key aspect of sustainable development (paragraph 124).

The pub garden, now zoo lies to the north-east of the main pub site and is a good sized piece of land which also was once used as a camping/caravan site. Prior to its current use, the land had got in a poor state and was not maintained in any way. Whilst it is acknowledged that the zoo here results in structures being erected within this once open space, it is also considered that the use is not an inappropriate one in the countryside location and given that this specific use demands a more countryside location and enhances the functionality of the site it is considered to comply with the principles of Policy BNE25 of the Local Plan.

The secondary factor is that the zoo is classified and considered as a new tourist attraction to the area. There is significant support for the business and over the last few years have seen the growth of its popularity with the likes of TripAdvisor and various customer review websites. It stipulates within the Local Plan that new attractions to the area can contribute to the local economy, subject to the impact on the local area and neighbouring residents. This proposal is therefore viewed to be acceptable in relation to ED12 of the Local Plan.

The final aspect for consideration in this application is that there is a keeper's lodge proposed as part of the proposal. This is to be located at the rear of the site and is required by the applicants to ensure that there can be someone on site 24-7 that can be responsible for the animals at all times. The pub, whilst attached has limited accommodation at the first floor and would mean that the 'Landlord' of the pub would have to be responsible for the animals also. This may not always be practical and cannot be guaranteed so it seems sensible to ensure that the main person responsible for animal welfare is accommodated within the site. It should be noted that due to the fact that some of the animals kept on the site are categorised under the Dangerous Wild Animals Act

safety is also a consideration for having 24-7 presence as broken enclosures can occur in severe weather, sometimes caging can be compromised and escape of any animal requires on site management. Theft has also occurred at the property with theft of an exotic bird.

The keeper's lodge and staff office/kitchen is to be located within a triangle of land, away from any public view and is not noticeable from any area of 'public realm'. The style and location of the lodge ensures that it has minimal impact on the wider area and will be behind existing fences.

Design

The main aspects of design that need to be considered are that of the overall site and then also of the proposed structures that are to be put in place.

With regards to the overall site, it is considered that the enclosures and buildings are to be of a standard and design that is akin to this type of facility that you might find anywhere within the UK. It is not possible to compare to something like this within the vicinity as there are no other zoo/visitor attractions within close proximity that have such enclosures. The animal enclosures vary in size and scale but are all considered to be visually acceptable. It is understood that the enclosures change and get rebuilt fairly frequently as animals move spaces and better enclosures are built. The Council feel that it would be of benefit to allow for some flexibility for the applicants to alter structures as required to suit the animals and their housing needs and therefore propose a condition to refer to a height restriction within a defined space. A plan has been marked out and agreed with the applicants to ensure that the areas used for enclosures that those used for public space are retained.

Each of the proposed new buildings are to be a maximum of approx. 3.5m in height or lower, with gable ended shallow pitched roofs on each of the buildings. The eaves height of all the structures is approx. 2.2m. The fact that they are all shown to be wooden construction is considered to be in keeping with the feel of the whole site and also allows for removal (as/when required) easily. The design of all of these buildings are considered to be simple and do not cause detriment to the wider area. The fact that the height have been kept to a minimum also ensures that these buildings will not be significantly visible from outside of the site.

Overall, it is considered that the buildings in terms of their design are acceptable and do not cause harm to the wider area. The proposal is therefore in accordance with Policy BNE1 of the Local Plan and also Paragraphs 124 and 127 of the NPPF.

Amenity

In terms of amenity, there are two factors that need to be considered. The first relates to the site itself and the impact of the proposals on the amenity within the site, which will include the keeper's lodge.

The second amenity impact to consider is that of the neighbouring residential properties. The alterations to parking and hours especially need to be considered in relation to these residents.

It is noted that the zoo is now an established business having been in place approximately 3 years. The pub has been in place here for hundreds of years (17th Century Inn). Neighbours therefore already have an established impact with regard to a public facility being located where it is, including the zoo.

Amenity within the site

Each of the proposed new buildings are to be the following sizes:

	<i>Overall floor area (approx.)</i>	<i>Max height (approx.)</i>	<i>Eaves height (approx.)</i>
<i>Visitor seating area</i>	124.5ml	3.4m	2.2m
<i>Vets room</i>	51ml	3.25m	2.2m
<i>Office/kitchen area</i>	81.5ml	3.3m	2.2m
<i>Conservation room</i>	63ml	3.5m	2.2m

	<i>Overall floor area (approx.)</i>	<i>Bedroom 1 (approx.)</i>	<i>Bedroom 2 (approx.)</i>	<i>Max height (approx.)</i>	<i>Eaves height (approx.)</i>
<i>Keepers Lodge</i>	75ml	12.15ml	9ml	3.4m	2.2m

Visitor seating area – This is to be located where an existing enclosure is. The aim is to provide a covered seating area for school parties and families with children to ensure that inclement weather does not affect people. Part of this building is also to ensure that disabled persons can be accommodated easily with the inclusion of a disabled WC so that it is not necessary for people with disabilities to manoeuvre into the pub.

Vets room – This room will replace the current storage containers that are being used for this purpose. The building will appear more in character with the rest of the site and will result in the containers being removed off site, again enhancing the overall appearance.

Office/kitchen area – This facility will allow for staff to have a place to rest – out of public view but will also ensure that there is a suitable place for zoo associated laundry to be carried out. The use of the pub kitchen for staff to prepare food is not considered suitable as this is a commercial kitchen for the public house itself so this additional facility will enable those that are employed for animal welfare to have adequate facilities.

Conservation room – This building is to be accommodated toward the rear (north) of the site, by the ‘wobbly house’. This dedicated conservation centre will allow for study sessions, to provide education for pupils of local schools, colleges, universities and other visitors.

Keepers lodge – This building is to be located within a more secluded part of the site and will allow for 24-7 care of the animals. This detail has already been set out within the 'Principles' section above.

As can be seen from the above, the new service buildings are all of a reasonable size to accommodate the use that they are intended for. The keeper's lodge that is proposed can be considered as a 2 bed, 3 person unit of accommodation and is acceptable in terms of its overall size and the bedroom sizes with regard to the Nationally Described Space Standards.

Amenity within the site is considered to be acceptable and complies with Policies BNE1, BNE2 and BNE25 of the Local Plan. It is also considered to comply with Paragraph 83 of the NPPF.

Neighbouring Amenity

The closest neighbouring residential properties lie within Fenn Street to the southwest and northeast of the site. Representations have been received by occupants within these areas that have concern over the hours of operation and the extension of the land into the Ancient Woodland to the north of the site.

The Ancient Woodland is no longer part of this proposal and as a result has been removed from the application. It is therefore considered that representations made in relation to the use of this wood are no longer relevant to this application.

The **current** hours of operation for the zoo aspect are:

12:00 - 16:00 (October - March) and

12:00 - 18:00 (April - September) Wednesdays to Sundays inclusive

The **proposed** hours of operation for the zoo aspect are:

10:00 – 18:00 Monday to Sunday (inc of Public Holidays)

10:00 – 21:00 on up to 30 flexible event dates per annum

The purpose of these amended hours is so that the applicant has greater flexibility (especially during winter months) and also to allow for visitors to the area to make the most of bank holidays and other public holiday events. The current hours do not allow for people to visit on bank holidays. A business of this nature requires constant spending on staff, food supplies, insurances, vets, up keep of enclosures in order to survive. The small entrance fee that the zoo charges allows for this to be possible, however the current hours restricts the business making the most of public holidays, which would be a significant help to the running cost of the business. Off season/winter, school term times and bad weather can severely effect customer flow rates and profit which makes it more important for the business to be open and available during holiday seasons and on public holidays.

The additional harm that the revision of hours of operation will have on these occupants is considered to be minimal. This is therefore compliant with Policy BNE2 of the Local Plan and Paragraph 127 of the NPPF.

It is important to note that the hours of operation that are proposed as part of the application relate to the zoo aspect only and do not impact or affect the current opening hours for the pub.

Highways

The proposals show that there is to be an overflow car park located to the south west of the property, approx. 90m away. The field could accommodate up to 60 vehicles. This would make a difference in relation to parking pressures at busy times. The current car park can get very busy and vehicles can block the road whilst trying to get in, causing disruption to the free flow of traffic along Fenn Street/Ratcliffe Highway. An overflow parking area in this location allows for vehicles to get off the road and for the road to be freed up for passing traffic.

Currently there is a grass verge between the field (to be overflow parking) and the pub. Whilst this verge is of sufficient width it is not considered to be suitable to accommodate pedestrians in order to ensure safe movement from one to the other. It has been agreed that this verge can be paved/surfaced and can therefore become a usable pedestrian link between the two, however details of the surface materials, final layout of this (including kerb details) and implementation can be conditioned and approved prior to the overflow parking being brought into use.

The final highway consideration relates to the new access that is proposed within the site for head keeper and vet access. It should be noted that the car park and overflow parking accommodate all visitor parking and the staff parking area is to be to the south/southeast of the main pub building, in the existing service delivery area. The new access will be gated with the gate set back from the road. It will provide access into an existing 'back of house' area, adjacent to the current storage containers (to be replaced with the vet building). This is considered to be a convenient location for the access within the site.

Appropriate visibility splays can be accommodated but will require the removal and thinning out of some of the trees that sit adjacent to the highway, on the outside of the fence line. These trees are the responsibility of the applicant and not the Local Authority and are not protected in any way. A condition ensuring the visibility splays are in place prior to the use of this access is considered suitable and in accordance with Policies T1, T2 and T13 of the Local Plan and 109 NPPF.

Local Finance Considerations

None relevant here

Conclusions and Reasons for Approval

It is considered that this application for the extension of the existing zoo to include the introduction of an overflow car parking site with footpath access to main site, provision of new animal enclosures and construction of a new private access on to Fenn Street, erection of 5 timber frame detached structures (including a two bedroomed live/work unit), removal of redundant buildings and containers and the variation of opening hours (including 30 days per annum to be later opening) is acceptable as they will not result in having any detrimental impact on neighbouring residential properties or the wider area.

The provision of the overflow car park is considered to aid in the free flow of traffic at the site and the new access is considered to provide sufficient visibility splays to be safe.

The increased hours of operation relate solely to the zoo aspect of the business and do not impact the pub hours in any way. The hours as proposed are considered acceptable and will not cause unacceptable harm to neighbours. The opportunity to open on public holidays allows for flexibility.

The provision of new buildings on site is considered acceptable and will improve facilities and will also ensure the provision of accommodation for the main carer/ persons responsible for animal welfare.

Overall it is considered that this application is compliant with Policies ED12, BNE1, BNE2, BNE25, T1, T2 and T13 of the Medway Local Plan 2003 and Paragraphs 8, 83, 109, 124 and 127 of the NPPF 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>